

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DILIGENT ENTERPRISE MANAGEMENT,
LLC,

Plaintiff,

- against -

AML GLOBAL ECLIPSE, LLC, DWC PINE
INVESTMENTS I, LTD., ALAN
KLAPMEIER, JAMES CARROLL, STEVE
SERFLING, RJ SIEGLE, MIKE WYSE, and
CAROL LAROTONDA,

Defendants.

Case No. 1: 23-cv-10924-VEC

[State Court Index No. 653523/2023]

DECLARATION OF DARRYL R. GRAHAM

Darryl R. Graham declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct:

1. I am a partner at the law firm of Akerman LLP, which represents Plaintiff Diligent Enterprise Management, LLC (“Diligent” or “Plaintiff”) in the above-captioned action.

2. I am an attorney admitted to practice in New York State and in good standing.

3. I respectfully submit this Declaration in support of Plaintiff’s Memorandum of Law in Support of Plaintiff’s Motion to Remand this Action to State Court.

4. A true and correct copy of the Credit and Security Agreement, between Eclipse Aerospace, Inc. and Crystal Financial SBIC LP, dated July 20, 2012, entered on the docket of *In re: One Aviation Corporation*, Case No. 18-12309 (JKS) (Bankr. D. Del. Jan. 26, 2021) (ECF No. 1093-5) is attached hereto as **Exhibit 1**.

5. A true and correct copy of the Renewed Motion to Convert the Debtors’ Cases to Chapter 7, filed in *In re: One Aviation Corporation*, Case No. 18-12309 (JKS) (Bankr. D. Del. Jan 12, 2021) (ECF No. 1086), is attached hereto as **Exhibit 2**.

6. A true and correct copy of the Statement of [Defendant] AML Global Eclipse LLC Regarding the Filing of Notice of Removal of State Court Action, filed in *In re: One Aviation Corporation*, Case No. 18-12309 (JKS) (Bankr. D. Del. Dec. 26, 2023) (ECF No. 1362), is attached hereto as **Exhibit 3**.

7. A true and correct copy of the Order of Distribution, entered by the Bankruptcy Court in *In re: One Aviation Corporation*, Case No. 18-12309 (JKS) (Bankr. D. Del. Jan. 3, 2024) (ECF No. 1367), is attached hereto as **Exhibit 4**.

8. A true and correct copy of the Order of Reassignment of Judge, entered on the docket of in *In re: One Aviation Corporation*, Case No. 18-12309 (JKS) (Bankr. D. Del. Feb. 25, 2022) (ECF No. 1261), is attached hereto as **Exhibit 5**.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 31, 2024

/s/ Darryl R. Graham
Darryl R. Graham